

VZCZCXYZ0000
OO RUEHWEB

DE RUEHQT #0200/01 0242118
ZNR UUUUU ZZH
O 242118Z JAN 07
FM AMEMBASSY QUITO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6162
INFO RUEHBO/AMEMBASSY BOGOTA PRIORITY 6380
RUEHCV/AMEMBASSY CARACAS PRIORITY 2319
RUEHLP/AMEMBASSY LA PAZ JAN 0368
RUEHPE/AMEMBASSY LIMA PRIORITY 1343
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 1766
RHMFISS/CDR USSOUTHCOM MIAMI FL

UNCLAS QUITO 000200

SIPDIS

SENSITIVE
SIPDIS

E.O. 12958: N/A
TAGS: [PGOV](#) [PREL](#) [EC](#)
SUBJECT: CONGRESS TO DECIDE ON ASSEMBLY REFERENDUM

11. (SBU) Summary: Amid small but invasive pro-Assembly protests, the Supreme Electoral Tribunal (TSE) on January 23 declined to act on President Correa's decree ordering a referendum be held on March 18 on whether to convoke a National Constituent Assembly, choosing instead to refer the matter to Congress for its approval. Correa immediately objected to the decision, considering congressional approval unnecessary and hinting the government might bypass the TSE if does not act to convoke the referendum by the end of January. At the same time, Correa sent a revised version of the rules on how the Assembly would be selected and operate to Congress, "for its information only." While the PRIAN, PSC and UDC still oppose the Assembly idea and hope to pass their own constitutional reforms in Congress, a pro-referendum majority including ex-president Lucio Gutierrez' party is nevertheless expected to debate and approve the referendum, despite Correa's repeated personal attacks on Gutierrez. Protesters were expected to regroup outside Congress on January 24 to maintain popular pressure in favor of the referendum. End Summary.

TSE Punts to Congress

SIPDIS

12. (SBU) Forced to relocate their meeting to a local hotel to avoid violent pro-Assembly protesters who broke into the TSE building, the TSE board voted four to three on January 23

SIPDIS
to refer the President's decree calling for a March 18 Assembly to Congress for its approval. Voting in favor of seeking congressional approval were the PRIAN, PSP, PSC and UDC representatives; PRE, RED-ID, and Pachakutik representatives voted against.

13. (SBU) On January 23 the protesters numbered around 300, according to press reports; 40 protesters managed to evade police controls by breaking windows and interrupt the TSE session. Protesters reportedly included members of the far-left Popular Democracy Movement (MPD) party and Correa's Alianza PAIS movement. The protesters called for TSE approval of the referendum and the rejection of reinstating ex-president Lucio Gutierrez' right to run for office.

Correa Alters Assembly Statute

14. (SBU) Correa immediately criticized the TSE action to refer the matter to Congress as unnecessary, claiming that the TSE should simply implement the presidential decree. If

the TSE did not convoke the referendum by January 31, he said, the government would interpret inaction as "administrative silence" signifying approval and take "appropriate action."

¶5. (SBU) Belying his defiant statements, Correa also showed some flexibility by simultaneously sending Congress a revised Assembly statute. (The referendum question would ask voters to vote yes or no to the questions "Do you approve the convocation of a national constituent Assembly to rewrite the constitution under the rules described in the attached statute?") The new statute incorporates five changes:

-- Assembly candidates from registered political parties and movements must collect signatures of support from 1% of the electoral roll, just like anyone else;

-- the number of Assembly members would be increased from 87 to 130. Of those, 24 would be elected nationally, six would represent Ecuadorians living abroad, and 100 would be elected by province;

-- the Assembly would take decisions by an absolute majority (i.e. 66 votes);

-- the Assembly would exist for 180 days, with the possibility of a 60-day extension;

-- the minimum age for Assembly candidates would be reduced from 25 to 20 years.

Presidency Minister Vinicio Alvarado told the Ambassador on January 22 that the government intended to televise all proceedings of the Assembly to maximize transparency.

Gutierrez in Driver's Seat

¶6. (SBU) Ex-president Gutierrez has said he would run for the Assembly himself and seek to become its president, should the TSE restore his right to do so. The TSE majority which voted to refer the referendum decree to Congress is expected to do just that.

Comment

¶7. (SBU) Contrary to Correa's contention that congressional approval is unnecessary, a majority in Congress and many (although not all) independent constitutional experts believe congressional approval is required for the referendum to take place within the bounds of the constitution. Correa's objections to the TSE decision appear intended to put pressure on Congress to act quickly on the matter. With powerful PSC leader Jaime Nebot adding his support publicly for an Assembly blessed by Congress, and with public support for the referendum reportedly at 78%, a simple majority in Congress is expected to qualify the referendum as a matter of national urgency before sending it back to the TSE to implement.

¶8. (SBU) Correa is clearly leery of possible attempts by the PRIAN/PSC/UDC anti-Assembly coalition in Congress (all of whom voted to refer the matter to Congress) to block or delay the referendum and pass constitutional reforms in Congress. Gutierrez' PSP is the key member of the pro-Assembly coalition, adding an element of uncertainty and compromise which Correa would clearly have preferred to avoid. The importance of PSP votes clearly favors the eventual restoration of Gutierrez' political rights by the TSE. For his part, Correa has added to the uncertainty over whether Congress will approve the referendum by repeatedly and publicly insulting Gutierrez, calling him a "traitor" and a "snake" during inaugural events and most recently saying "Gutierrez can be bought for a plate of lentils."

¶9. (SBU) Correa's revisions to the Assembly statute are being interpreted here as concessions showing both the new government's flexibility and its surprising incompetence

elaborating its core initiative. The change in numbers of Assembly members responds to criticism from powerful coastal provinces (including from Guayaquil's mayor Nebot) that the former formula would have short-changed representation of coast provinces in comparison to the highlands, which has a larger number of smaller provinces, which had boosted highland representation in a smaller Assembly. The new signature requirement for political parties concedes to popular outcry (including from Correa's base) that political parties not be granted privileged access to the Assembly.

BROWN